The Subject Before the Lords and the Commons.

The Conditions Under Which England's Counter Case Was Sent to Geneva-Mr. Schenck's Opinion on the Matter.

London, April 13, 1872. The American claims was made the subject of ion in the British Parliament last some discussion in the British Parliament last night. Both Lords and Commoners had their say about the Geneva arbitration. In the House of Lords the Earl of Stanhope, in pursuance of a otice on the paper, asked what course Her Majesty's government proposed to pursue in respect to the counter case of the British government in the eatter of the Alabama claims, which counter case coording to the stipulations of the Treaty of Wash on, would be presented at Geneva on the 15th onrh. He asked whether in consequence of the indirect claims it was intended to omit any counter claims on behalf of the British government.

of the indirect claims it was intended to omit any counter claims on behalf of the British government; and if the counter claims were to be made, he desired to know of what nature they were to be.

Earl Granvills in reply said Her Majesty's government had only the day before yesterday come to a decision as to the course to be pursued. They had most carefully considered the points raised, not only as to the admission of other than direct claims, but also as to whether their taking any steps in the matter at the present moment might not compromise the position they had assumed. The result was that they had come to the conclusion that they could safely and without prejudice to their position present counter claims dealing exclusively with such as came under the category of direct claims, accompanying these with a representation to the tribunal of Geneva that the case was submitted without prejudice to the position assumed by the English government in their correspondence with the government of the United States, and expressly reserving to themselves the right to withdraw should the present difficulty continue. He had been in communication with the American Minister on the subject, and a fortnight ago it was the opinion of that gentleman that the counter case of the English government might be presented without prejudice, an opinion which he had since stated had been confirmed by the American declaration accompanying the counter case had been forwarded from the Foreign Office to the American Minister. As soon as the declaration and counter case had been submitted to the Geneva tribunal Lord Granville would have them laid before their Lordships.

Earl Russell, who thought that the government.

counter case had been submitted to the Geneva tribunal Lord Granville would have them laid before their Lordships.

Eurl Russell, who thought that the government had not by their recent action escaped from the difficulty in which they had been involved, gave notice that on Monday, the 22d inst., he would move an address to Her Majesty, praying her to give instructions that all proceedings on behalf of Her Majesty before the arbitrafion at Geneva, as to the Treaty of Washington, be suspended until the claims included in the case submitted on behalf of the United States, understood on the part of Her Majesty's government not to be within the province of the arbitrators, has been withdrawn.

The Duke of RICHMOND said he understood that the counter case was to be submitted without prejudice, but he wished it to be understood that there should be no possibility of the arbitrators saying to the English government, "You have compiled with the terms of the treaty and put in your counter case, and therefore, notwithstanding what you say, we shall go on with the arbitration, and, if need be, we will decide behind your backs."

Earl GRANVILLE said that whether the counter claims were sent in or not the arbitration might go on if they thought fit.

Lord Wistraury pointed out that when the issues were fully raised and the arbitration would go on, and if it was not intended that judges should be clothed with powers to discuss the whole of the matters before them, it would be most inconvenient to take any farther step until the extent of their jurisdiction was determined.

Earl GRANVILLE said he had been careful to put the point so that the English government, should

further step until the extent of their jurisdiction was determined.

Earl Granville said he had been careful to put the point so that the English government should not be compromised with regard to the admission of the indirect claims, and in this he was confirmed by the American government.

Earl Grey was not at all surprised, after the statement made by the noble earl, the Foreign Secretary, that the noble earl on his left (Earl Russelt) should have thought it necessary to give notice of the motion he had that night handed in.

The Marquis of Salisbury regretted that the course taken by the government had done away with their chance of protesting against the jurisdiction of the Tribunal of Genena as to the indirect claims, because after what they had done the casemight go on, and the arbitrators might award a hamp sum as damages without specifying the class to which they belonged.

Lord Penzance said all that was wanted was that the government should be left in a position render-

Lord Penzance said all that was wanted was that the government should be left in a position rendering them free, on receiving the answer of the American government as to the course they proposed to take with regard to the indirect claims, to withdraw from the arbitration. From the statement of the noble earl (Earl Granville) he gathered that this object had been secured.

The Duke of Somerset thought that the course taken by the government had seriously implicated the position assumed by this country with regard to the indirect claims, and argued that they ought to have refused to present the counter case until the indirect claims had been withdrawn. This, he contended, was the intention of the country, and it ought to have been carried out by the government.

the indirect claims had been withdrawn. This, he contended, was the intention of the country, and it ought to have been carried out by the government. After a few words from Lord Denman and Lord Colonsay, the subject dropped.

THE SUBJECT IN THE HOUSE OF COMMONS.

Mr. RATHBONE asked the Prime Minister whether Her Majesty's government had sent or would send in the counter case to the arbitrators at Geneva.

Mr. GLADSTONE replied that the counter case had been forwarped by Her Majesty's government to the arbitrators at Geneva, and it would be lodged in their nands before the 15th instant. He might also state that together with the counter case a note or statement had been sent in on the part of Her Majesty's government, reserving all rights, and explaining the conditions under which the counter case had been sent. General Schenck had been informed of this step, and he believed that he had communicated with his government, and that they had instructed him that it would not affect, in their opinion, the position of either party.

Mr. Degrand, and the population of either party.

Mr. Dishagil said this reply had anticipated his Mr. DISRAELI said this reply had anticipated his question in a great measure, but he still wished to inquire whether the government was prepared to place papers on the table, so that the country might have a clear conception of the conditions under which the government had felt it to be their duty to make their replication or counter case. He need not remind the House that unless that had been done before the 15th April the whole proceedings would lapse; but the counter case certainly ought to have been accompanied with a statement of the reasons and conditions upon which, they being under this necessity, had lodged their counter case. Much was due to the government in this difficulty, but something was also due to the English people; and he could not but think that it was proper for him to urge upon the government whether they did not feel it to be their duty to publish these conditions together with their counter case, so that the country could be perfectly satisfied that in sending in the counter case the government had not, either directly or indirectly, acknowledged the justice of the indirect claims, for on that point there ought to be no misunderstanding whatever. He also inquired whe ther the eminent Judge to whom the duty of representing this country had been entrusted would resume his functions.

Mr. GLADSTONE was understood to intimate that

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THE ALABAMA CLAIMS.

the American government to that note. He could only further assure the House that the government was most anxious to make the House fully acquinted with the steps which it had taken, and with all the circumstances of the case.

Mr. Dishazeli had no wish to press upon the government for the publication of the correspondence which was still being carried on. What he wanted to impress on the government was that the whole country were desirous of knowing what were the conditions under which the government had sent in their replication or counter case, which, on the surface, was a most hazardous step, but probably quite justifiable, seeing that it must be lodged before the 15th of April, before there was a possibility of receiving the American reply to Earl Granville's last note. That step, of first sight, might appear to recognize the justice of the indirect claims; and the government ought not to have taken this hazardous but still perfectly justifiable step, in order to prevent the treaty from lapsing, without also sending in some document stating their reasons for doing so. He wished to know if this document would be laid on the table in order that Parliament and the country might know what the government had done.

Mr. Gladdorn had intended to convey that

Mr. GLADSTONE had intended to convey that the note or statement, which he had explained had been sent in with the counter case, would be laid on the table at the same time with the counter

The British Counter Case-The Duty of the Government.

The British Counter Case—The Duty of the Government.

[From the London Times, April 12]

\* \* \* We are now on the eve of the last day for delivering the counter case. It must be presented to the Arbitrators on Monday, if it is to be presented at all. Assuming, as we may assume, that it will be presented, we must ask that the significance of this step may be well weighed and considered. It will be the first formal act done before the Arbitrators since the character of the American case has become known to us; and, in consenting, as we do, to put in a counter case, we are bound to take care not only that we know our own meaning, but that the arbitrators shall know our meaning, and the American government shall know our meaning, in putting it in. We take this step, because if we did not the arbitration would at once lapse, and because there remains another interval during which the American Cabinet may repair the error involved in the construction of their case. If it were not for this second consideration the first, of itself, powerful as it must be, would not induce us to send in a reply. Two months after the delivery of the counter case the agent of each government must deliver to each of the arbitrators written or printed arguments showing the points and evidence on which his government relies, and thereupon the more active duty of the parties to the arbitration closes and that of the arbitration begins. At that stage, therefore, we may and must retire if the American government do not beforehand renounce the pretensions to claim consequential damages embodied in their case. We do not retire now, because their remains this further opportunity for doing so without having compromised our independence. But, as we curselves understand that we shall, whatever pain and reluctance we may feel, retire on the 15th of June If the claims preferred before the arbitration are not by that time reduced to the limits of the arbitrators to which we agreed, we are bound to give the American government the clearest possible notic

the plainest manner, and the simplest and most effectual vay of clinching them is to be found in declarations made in Parliament under Ministerial responsibility.

There should be no appearance of uncertainty about our intention. The mischief to be most carefully guarded against is that the American Government should daily with the difficulty which has arisen under the delusion that in the end we may give way. There ought to be no possibility of their entertaining this error. The language of Mr. Bright's letter to Mr. Cyrus Field, which has been published in the United States, "This country will not go into a court to ask for an award against it in the matter of indirect damages will never be paid, and therefore the only honest course is to object now, before going into Court," ought to dispel all illusions as to the unanimity and sincertity of cur determinarion; but there is too strong evidence that such illusions are still lingering at Washington. What is the meaning of the last telegrams which have been received from the other side of the Attantic? We are told that the Cabinet of Washington has done nothing with respect to Lord Granville's note:—"All action is postponed until after information has been received of the proceedings at Geneva on Monday." What is this but a statement that the American government is waiting to see how far we shall commit ourselves in our counter case? The President and his Cabinet are willing to trust to the chapter of accidents and the presure of time upon our resolution. We cannot, of course, prevent their doing this, but we may let them understand that if they expose the arbitration to the chances of the future they do so at their own risk. We, at least, are not trusting to accidents, for our plan of action is perfectly shaped beforehand and we have no hesitation in explaining what it will be under any contingency. We cannot attach the same significance to the proceedings of the House of Representatives has no direct means of knowing what may be the course of negotiations betw

versy. What, then, has the House of Representatives done? We are informed that one of its members brought in a resolution pronouncing judgment entirely in our favor on the difficulties that have arisen, and the House dexterovsly shelved it by referring it to the Committee on Foreign Affairs. The resolution, as reported, was, without doubt, decisive. It began with a recital that the submission of the Indirect claims was contrary to the meaning of the treaty, and that the extended obligations of neutrals set forth in the case were incompatible with American precedents, and it then proposed to declare that, in the opinion of the House, these claims were waived by the intimation of the American Commissioners that they would be waived in case of an Amicable settlement. This will be recognized as an embodiment of our leading argument, and it could not be expected that the House of Representatives would accept it; but two months since it would have been rejected or immediately withdrawn. It is now laid aside in such a form that it can be brought up again if it should ever seem advisable, or be left to slimber undistdrhed if that course be preferred. If the House of Representatives does not wait upon us it waits upon us. Is the opinion of either or both as to our tenacity so low that neither the government nor the House can be persuaded that it is vain to wait for any wavering in our resolution? The course to be pursued before the arbitrators on Monday is so plain that it cannot be mistaken. We shall deliver our counter case, but we must accompany it with a protest that we do not allow that the claims for consequential damages preferred in the American case are included in the reference to arbitration, or that it is within the province of the arbitrators to determine whether they are or are not included; and further, that we tender our counter case without prejudice to the privilege, of which we intend to avail ourselves, or withdrawing at the next stage of the proceedings if the claims bed in the indication and in the

The Indirect Claims-Mr. Peters' Resolulutions in the American Congress, Censuring Indirect Claims-How the Difficulty Might Be Settled.

culty Might Be Settled.

[From the London Standard, April 12.]

\* The indirect claims were, indeed, the creation of Mr. Summer's vindictive imagination, prompted by a frantic animosity towards President Johnson, and a desire to defeat the treaty negotiated by the President's namesake and nominee. We can quite believe that if the claims turn out to be unpopular General Grant and his advisers would gladly hold that impracticable and revengeful politiciau answerable for a case which Mr. Bright, in a letter just published, aptly describes as displaying more of attorneyship than statesmanship, and more resembling a passionate speech than a thoughtful state document. This letter of Mr. Bright's is well-timed and patriotic. It will impress some Americans with a sense of the weakness of their case to find it thus condemned by an English politician who on no previous occasion has been able to believe either that America could be wrong or that England could be right—who has always worshipped most ardently the weakest parts of their constitution, and attached himself most fervently to their most extrav-

agant parties and most violent statesmen. The men who are mainly answerable for the intemperance which Mr. Bright so warmly reproves are Mr. Bright's peculiar friends, and if Mr. Sumner could listen to argument or defer to authority none that England could produce would have more weight with him than those of the member for Birmingham. A more significant and satisfactory incident is the introduction in the House of Representatives of a resolution distinctly censuring the indirect claims, both as contrary to the true meaning of the treaty and as inconsistent with the doctrines always maintained by America as a neutral Power.

\*\* \*\* \*\* Mr. Peters, the mover, has hit no arguments which, if well enforced and clearly illustrated, ought to make a powerful impression on his countrymen. Putting aside the treaty altogether, and supposing it were their right to prefer such claims, it certainly is not their policy to do so. For what they insist upon against us may in turn be exacted from them by some other Power when they themselves are neutrals, and neutrality is their normal attitude. It is questionable enough whether it be their interest—as it is ours—to establish the liability of neutral States for the escape of vessels from their ports to prey upon the commerce of a belifigerent; fo. no country has sent out half so many such vessels as the United States, and no country will find it half so difficult in future to repress the adventurous temper and commercial enterprise of her citizens when fame and money are to be acquired, or national sampathies indulged, by engaging in such undertakings in defance of the law. England herself may already use the American claims with formidable effect against America. For If a State be responsible for the clandestine escape of a maratime expedition, it is a fortiori answerable for the open march across its frontier of a military form, and it lies with us at any time to insist on redress for the Fehnan incasions of Canada which are excepted from the operation of the doctrine, and would

## ST. GEORGE'S DAY.

Anniversary Banquet at Delmonico's Last Evening.

Important Speech of the British Minister.

He Suggests that We Can Waive Our Claims for Consequential Damages Without Dishonor.

### Cyrus Field Curses National Mischief Makers.

The St. George's Society of this city celebrated their forty-fifth anniversary last evening by a banquet at Delmonico's. About two hundred guests were present, and the festivities-with the excep tion of one or two prosy speeches sandwiched in between half a dozen amusing, weighty or brilliant ones—were of a singularly genial and pleasant character. Mr. J. G. Daie presided, and at his right sat Sir Edward Thornton, the British Minister. As soon as the more material portion of the banquet had been exhaustively discussed, and solids and fluids had assumed the shape of coffee and cigars, Mr. Dale rose and returned thanks for his re-election as President. He described briefly the good work done during the past year by the society, which was now in a highly satisfactory condition. Its in-come was greater than ever before, and so necessarily also, owing to the increasing field opened to its operations, had been its disbursements. There were now 132 permanent pensioners of the society, receiving a regular monthly allowance, besides a large number of casual dependents upon its bounty. Thirty-two beds had been arranged for in St. Luke's Hospital in connection with the society. Mr. Dale then touched upon

and said he wished he were able to congratulate them upon the absence of any disturbing differences between their home government and the country they were now residing in. But whether the Treat of Washington were carried out or not, whether the good feeling on both sides that prompted the signing of that instrument did or did not lead to a satis factory settlement of all outstanding diffi-

factory settlement of all outstanding difficulties, he thought they would all bear testimony that the national affection between the two countries had increased during the past year, was increasing now and would increase in the future. They might be well assured that when any great calamity, such as hat dreadful disaster at Chicago, should occur it would ever call forth, as it had done only a few months ago, not only expressions of sympathy from England, but substantial aid for the sufferers. And, while that was the case, it would not be possible for any temporary cloud to create a permanent estrangement between Great Britain and America.

The toasts of "The Day and All Who Honor It," "The Queen—God Bless Her" and "The President of the United States" were then enthusiastically given.

To the toast of "Her Majesty's Minister,"

Sir Edward Thornton responded as follows:—Mr. President and Gentiemen—It affords me the liveliest satisfaction to be able for the first time to be present here in the midst of so many of my countrymen, and to thank you, as I do, most sincerely and warmly for the hearty manner in which the proposal to drink to the health of our good Queen was responded to, as well as for the kind mention you have now made of her representatives in this country. There is no society which could have more cordial sympathy from Her Majesty than this—established for the benefit of our countrymen and countrywomen who may unhappily be in distress. And it has done its work well and bravely. It is pleasant to see that British subjects who have migrated to this country have not split the milk of human kindness by the way, or even watered it. (Applause.)

True it is that in this grandly prosperous country the need of it is not so great as at home, and still more true that those of our race who have made it what it is show us the most glorious example of open-handed and generous charity, without limit and without restraint. (Applause.)

what it is show us the most glorious example of open-handed and generous charity, without limit and without restraint. (Applause.)

Terrible as was the recent sad disaster in one of the most flourishing cities of the Union, it was almost compensated by the generous and spontaneous and swiftly sudden outburst of good feeling and generous help which, by the power of steam, by the electric spark, and in the twinking of an eye, as it were, was sent to the unfortunate sufferers from their fellow citizens in every part of the country, almost before they felt that their lives were saved from the fary of the fames. Such traits of character cannot fail to be a bond of union between the two English-speaking nations, and I trust that while they encourage us to a generous rivalry, they may make still warmer that earnest friendship which I hope will always exist between us. Sir Edward Thornton then stated that he had often before been desirous of participating in the celebration of St. George's day in New York, but that his duties in cementing the Bonds of the two countries whose flags now waved so harmoniously around him had detained him in washington. He then continued:—It has been my labor to insure this friendship—with what success I hope is not doubtful—and I have therefore been obliged to remain in Washington more constantly than would have been the case had I been guided wholly by my own inclinations. As one of the results of those labors I was much gratified in having the honor of being one of the signers of the Treaty of Washington. I had the firmest faith in the principle involved in arbitration; I have it still.

WHAT THE JOINT HIGHS DI NOT THINK.

No one, I believe, supposes that the British Commissioners had any idea—the slightest idea—that indirect damages were included in that treaty. (Applause.) A subsequent and thorough examination of the treaty and its wording has not now persuaded them to the contrary, but has rather confirmed them in their original and publicly proclaimed belief. The government of THE UN

two great nations of about equal power it is easy, dignified, generous and magnanimous to waive a claim for the payment of which one of them thinks herself entitled, it is impossible for the other to be bound by a decision which renders her a debtor for a claim which she does not admit she ever agreed to submit to arbitration. I can see such a solution, and I am convinced that such a solution would be applauded by all the nations of the world, and would do honor to the great republic of the United States. (Applause.)

The next toast of "The State and city of New York" was responded to by

MR. CYRUS W. FIELD,

who also briefly alluded to the Alabama claims. After humorously alluding to his surprise at being made the deputy of the Governor and the Mayor, he referred to the "etc." appended at the bottom of the bill of fare. He then said:—Now, I want to know, Mr. Chairman, whether those letters, e, t, c, mean indirect claims. If they do, I am sure every gentleman present will send you to-morrow morning a large bill for calling me here to represent His Excellency the Governor, and under no circumstances could I veto it. I shall not further occupy your time, as I know you are anxious to hear the speakers who follow me. But there is

ONE SENTIMENT

which I am sure no Governor of this State, no Mayor of this city could ever veto; and that is that the people of this State and city are in favor of a lasting peace between this country and England. And cursed be that man, either Englighman or American, for any reason, political or otherwise, that would throw discord between these two great English-speaking nations that are living on both sides of the Atlantic. (Uproarious applause.)

The following other toasts were also drunk enthusiastically and fity responded to:—"The Memory and Genius of Shakspeare;" "Our Sister Charitable Societies;" "The Armies and Navies of England and the United States," and the "Ladies." The guests then separated, after the usual parting convivial airs.

LETTER OF MR. OYRUS W. FIELD TO HON. JOHN A. PETERS. His View of the Claims for Indirect Damages'

NEW YORK, April 23, 1872. TO THE EDITOR OF THE HERALD:—
DEAR SIR—Referring to the leading editorial in this morning's HERALD, in regard to the Alabama claims, and in which my name is mentioned, I beg leave to enclose you a copy of a letter I have this afternoon mailed to Judge Peters, at Washington, and remain, very respectfully, your obedient ser-CYRUS W. FIELD.

afternoon mailed to Judge Peters, at Washington, and remain, very respectfully, your obedient servant, CYRUS W. FIELD.

NEW YORK, April 23, 1872.

My Drar Judge Prees.—I have carefully read the preamble and resolution which you gave me last week, and which you introduced into the House of Representatives on the 9th instant, in regard to the "dabama claims and indirect damages."

Since my return from Europe, four weeks ago, I have spent a great portion of my time in endeavoring to ascertain how the unfortunate misunderstanding between the governments of the United States and of Great Britain respecting these indirect claims has arisen, and what was the true feeling of our people in regard to the same. I have visited New Haven, Philadelphia, Baltimore and Washington, and I have hardly found a person who does not regret that these claims have been put into our case, and who is not desirous that they should be at once withdrawn.

Among those whom I have seen are Mr. Renjamin R. Curtis, late Judge of the Supreme Court of the United States, and who was selected by the government as counsel to argue their case before the Geneva Tribunal; Hon. William Beach Lawrence, of New York, the able writer on international law; Rev. Dr. Woolsey, ex-President of Yale College, who has devoted so much time to the study of the law of nations; George Ticknor Curtis, the well-known lawyer, and Hon. Reverdy Johnson, late United States Minister to Great Britain. All utterly regret the idea of consequential damages.

I wish that every member of the Senate and House of Representatives would read carefully the documents relating to these claims, transmitted to Congress with the President's last annual message, and the United States and English cases as presented at Geneva, and the able comments on the same by President Woolsey, Mr. Lawrence, Mr. Curtis and Mr. Johnson, which have been published, and then, I believe, they would come to the conclusion that the indirect claims should be abandoned.

One item included in these claims, transmitte

will be said that it is done from an un-willingness to face the consequences. True national honor, like true personal honor, I believe consists in this: in being ready to do justice in all things, to maintain your own rights and to recognize the rights of your opponents, and just to go so far beyond mere maintain your own rights and to recognize the rights of your opponents, and just to go so far beyond mere justice as this, that when the point is doubtful you would rather give it against yourself than for yourself." And that great friend of America, John Bright, showed the same spirit when, in replying to a toast, "The Peace and Prosperity of Great Britain and the United States," he said, "which means that we desire an unbroken friendship with the people of that country. With one heart and voice we accept that sentiment, and, without any fear of contradiction, we assert that we are on that point truly representative of the unanimous feeling of the three kingdoms. Men here forget that, after all, we are but one nation having two governments. We are of the same noble and heroic race. Half the English family is on this side the Atlantic, in its ancient home, and the other half over the ocean (there being no room for them here), settled on the American Continent. No man will dare to say that the people of the United States or the people of the United Kingdom are not in favor of peace. And I assert this, that he is an enemy of our English race, and, indeed, an enemy of the human race, who creates any difficulty that shall interfere with the permanent peace and friendship of all the members of our great English-speaking family." With great respect I remain, my dear Judge Peters, very truly your friend,

CYRUS W. FIELD.

Hon. John A. Peters, House of Representatives, Washington.

The Dominion Parliament Still Agitating the Washington Treaty and the Question of the Fisheries.

OTTAWA, Ont., April 23, 1872. In the House last night Sir John A. Macdonald said that the measure relating to the Treaty of Washington would be submitted immediately after the budget speech, which would take place on the budget speech, which would take place on Tuesday week. That relating to the Pacific Railway would be brought down in a very few days.

Mr. Todin asked as to the intention of the government toward the issue of regulations for the protection of fish in the inland lakes and rivers, and the granting of licenses for fishing in them under the resolutions preventing the destruction of fish, and whether the Canadians should be permitted to fish to the exclusion of foreigners.

Hon. Dr. Tupper said it was not intended to grant concurrent privileges to foreigners; Canadians concurrent privileges to foreigners; Canadian only would have the fishing rights.

THE CANADIAN-AMERICAN RAILROAD WAR Eric Carrying on a Contest Across the Lakes-How to Obtain Possession of a Road.

The Canadian shore opposite this city has been the scene of lively excitement the past few days, in consequence of an attempt by William A. Thomp son, on behalf of the owners of the Erie and son, on behalf of the owners of the Erie and Niagara Railway, to obtain repossession of the road which had been leased to the Great Western Railway Company of Canada for five years. The lease having expired the Great Western attempted to hold possession of the road as security for bonds held against the Erie and Niagara.

It is reported that, last night, Thompson's party tore up a portion of the track leading out from Fort Erie, also destroyed a culvert and burned the bridge at Frenchman's Creek, besides turning the Great Western's agent out of the freight house. This afternoon about fifty roughs crossed from this city to Fort Erie, who said they were employed at high wages to keep possession of the road.

PORTLAND, Me., April 23, 1871.

The case of the Kennebec and Portland Railroad Company against the Portland and Kennebec Railroad Company, to set aside the foreclosure of the mortgage by virtue of which the latter company was formed and held possession of the railroad, was decided by the Supreme Court at Washington in favor of the defendants, confirming the title of the new company to the property, which is now leased to the Maine Central Railroad Company, giving the latter company a clear title under their lease.

DEATH OF E. P. SEWARD

MIDDLETOWN, N. Y., April 23, 1872. E. P. Seward, brother of Secretary Seward, died to-day, of apoplexy, at his home, Florida, N. Y.

# THE STATE CAPITAL.

Rapid Transit of Railroad Bills in the Assembly.

A BUSY AND EVENTFUL DAY.

The Fourth Avenue Tunnel-Sinkthe-Track Bill Passed.

GILBERT'S AIR LINE ARRANGEMENT SAFE.

Beach's Pneumatic Bore Bill Passed and Sent to Bother the Senate.

COLONEL HAWKINS RESIGNS IN DISGUST.

Passage of the General, State and City Registry Acts.

The Double Court of Sessions Bill Passed.

Nomination of Henry R. Pierson as a Regent of the University-Tribulations of the Seventy Over Their Charter.

ALBANY, N. Y., April 28, 1872. The wire pullers are still in a quandary about the fate of the New York charter, and as they have not er yet been able to draw the Governor out on the subject one 💝 🚜 or the other, the general situation remains as deploring as ever. Mr. John Wheeler, the indefatigable henchman of the Seventy Solons, came up this morning, bright and early, and of he prought a carpet bag along with him cram full of suspiciously legal-looking documents, it is surmised that he has succeeded in getting a baker's dozen or more of "opinions" in favor of the constitutionality of the charter. He does not look as confident now, however, as he did a few days ago, but he declares that while there's I there's hope. The other members of the special delegation have not shown up, and it is generally believed that they are not willing to work any longer for the success of the charter; in othe words, that they have done their duty, as far as them lay, in helping Wheeler to get the bill through both houses in a form that was acceptable to the Committee of Seventy. and that they will not budge an inch to "move" the Governor in its favor. It is said that when the "hearing" on the bill takes place next Thursday before the Governor the committee will not be represented, as they believe the Governor knows as much now as he can ever know about their wisheswhat they want and what they do not want. This conclusion, if it should be fallthfully adhered to may bring the committee to grief in the long run.

VERY RAPID TRANSIT. Among the most remarkable exhibitions of rapid

transit in legislation ever witnessed were those which occurred to-day in the Assembly, when three railroad schemes for the city of New York were placed upon their final passage and were put through under the pressure of the previous ones-

of the Harlem and Hudson River Railroad above the Grand Central depot having been ordered to a third reading last week, when the bill was reached to-day Mr. Whitbeck moved that it be referred back to the Committee on Railroads with instructions to incorporate amendments which he then proposed and report immediately, the bill mean while retaining its place upon the order of business. The amendments are the result of the compromise effected with Vanderbilt vesterday, as published in this day's HERALD, and provide for a tunnel or covered way instead of an open cut, after leaving the company's grounds at Forty-eighth street. The sinking of the track will commence at Forty-eighth first proposed, the depression to continue gradually until the road bed will run under a covered way, until the road bed will run under a covered way, which will begin at Fifty-sixth street. In a word, they provide for the tunnel system substantially instead of the open cut, the compromise consisting principally of an agreement that the Company's grounds shall not be interferred with. Mr. Whitbeck stated that the plan now proposed was acceptable to the railroad company, and also so so far as he could ascertain to the people of New York. Mr. Husted here interposed and added that the proposition offered by Mr. Whitbeck had been carefully considered, and had been approved by all the parties concerned, and in order to dispose of the subject at once he moved the previous question. As soon as the Clerk had finished reading the amendments, Mr. Whitbeck, without leaving his seat, announced immediately that the Railroad Committee reported in favor of the amendments according to instructions. The bill, as thus amended, was then read a third time and passed by a vote of 92 to 20, ss follows:—

Arss—Abbott, Aitken, Alberger, Alvord, D. L. Babcock, I. H. Babcock, Badeau, Baltz, Beckwith, Bemus, E. T. Hrown, I. D. Brown, Buckley, Buell, Burns, Burritt, Campbell, Chamberlain, Chambers, Cook, Couchman, Crandall, Dunphy, Dikeman, Eastman, Fields, Foley, Ford, Fowler, Geib, Goring, Goss, Green, Greenhaigh, Griffin, Haight, A. L. Hayes, Healy, Herrick, Hill, Holdridge, Hollister, Houghton, Hungerford, Husted, Oakley, Pell, Pierce, Prince, Ray, Roche,Sage, Shepardson, Simson, Smiley, Smith, Smyth, Snijer, Snyder, Springsted, Squires, Strahan, Swaln, M. M. Tompkins, Tucker, A. L. Van Dusen, J. Van Dusen, Vedler, Wells, West, Whitbeck, Whittaker, Wiley, Woolsey, Yeomans—92. Navs—Bennett, Berri, Blair, E. E. Brown, Fort, Gregory, Haughton, Hawkins, D. B. Hill, Kennedy, Killan, Lewis, Lippitt, Moulton, Osgood, Paige, Preston, Rice, the Speaker, Twombly—20.

In order to clinch the matter, and to prevent a reconsideration afterwards, Mr. Husted moved to reconsider the vote by which the bill had just been passed, Stating at the same time which will begin at Fifty-sixth street. In a word,

was intended it should be, by a vote of \$1\$ to 27.
And so the bill was sent to the Senate for concurrence.

The city is to pay one-half the expense of the improvement, the lowest estimated cost of which is placed at five millions of dollars.

HAWKINS BECOMES DISGUSTED AND RESIGNS.

While this bill was being put through at such railroad speed Colonel Hawkins sat in his seat disgusted and dumbfounded. When it and other railroad schemes were under discussion in the Committee of the Whole he had denounced them as outrageous swindles, and had called upon his republican associates not to bring upon themselves the infamy that would attach to them if they voted for the passage of measures so wrong and so corrupt, as he asserted these railroad jobs to be. But they heeded not his solemn warnings, and, in fact, looked lightly on, if they did not ridicule, his appeals in favor of reform and the rights and interests of the people who were to be taxed for the benefit of wealthy railroad corporations. Finding that his protests were useless, and his efforts in favor of reform altogether fruitless, Hawkins came to the conclusion that he might as well let the so-called reform members of this Legislature alone, since they were so irrevocably joined to their idols. He could hardly restrain the expression of

HIS RIGHTEOUS INDIGNATION while this Vanderbilt scheme was being con-

joined to their idois. He could hardly restrain the expression of

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while this Vanderbilt scheme was being conducted with more than railroad speed through the essential formalities to its passage. When this had been accomplished he could stand the storm on his moral sensibilities no longer, but arcse, and, with the air of a man who had been injured and outraged without any hope of obtaining redress, at least from his associates, he said:—"Mr. Speaker, I desire unconditionally to tender my resignation as a member of this Assembly." Although the announcement took the House by surprise, a general titter went through the chamber at this act of the indignant reformer. Hawkins evidently felt that it would be a stain upon his character if he should continue to sit any longer as a member of so reckless and corrupt a Legislature. The Speaker informed him that this announcement was not then in order, for the resignation should be sent to the Secretary of State.

Mr. J. D. Brown.

THE ECCENTRIC MEMBER from Cayuga, wanted to have it accepted at once, and such was the secret sentiment of many other

members, though they did not express it, for Hawkins has made himself obnoxious to them by his wholesale denunciations of so many measures as jobs and swindles and by his measures as jobs and swindles and by his sweeping insinuations of members being specially interested in their passage. Mr. Fields also informed Mr. Hawkins that the statute required resignations to be filed with the Secretary of State. The regular business of the House was then resumed while Hawkins drew up his resignation, sens it to the Speaker to be forwarded to the Secretary of State, and then left the chamber. He will probably communicate to his constituents and the public generally, over his own signature, his reason for resigning his seat in the Assembly. He has come to the conclusion that this so-called reform Legislature is now owned by Vanderbilt, and that it can be bought by anybody who has the means to buy. And he is also of the opinion that it is

MORE CORRUPT THAN THE LEGISLATURES OF RECENT YEARS,

which were controlled by Tweed and Tammany. There are few, if any, who question Hawkins' Integrity; but it is generally conceded that he has been not only unsuccessful, but indiscreet, as a reformer, the chief objection to his course in the Assembly being that he has frequently cast the imputation of improper motives upon the whole Legislature; while members in privately commenting on his insinuations claim that if he had good grounds for his opinions he should have been more definite and direct in his statements. Perhaps he will be more explicit when he returns to the metropolis and relates his experince here to his constituents.

Mr. Judd was elected chalrman of the Committee, on Cities in place of Mr. Hawkins.

THE GILBERT KLEVATED RAILHOAD SCHEMS, amended so as to provide for the appointment of commissioners to select the route, came up on its final passage in the Assembly, and, the previous question being ordered, passed by a vote of 92 to 13.

THE BRACH PNKUMATIC UNDERGROUND PROJECT was the remaining one of the two that was rushed through under the pressure of the previous question. This bill had already passed the Senate, some time ago, the Senators having given it the preference over the Central Underground. It passed the Assembly to-day by a vote of 66 to 44.

The Committee on Railroads of the Assembly held a meeting this afternoon and heard the objections of the Central Underground Railroad interest to THE VANDERBILE RAFID TRANSIT SCHEMS from Central Park to the City Hall. It is claimed which were controlled by Tweed and Tammany.

The Committée on Railroads of the Assembly held a meeting this afternoon and heard the objections of the Central Underground Railroad interest to THE VANDERBILT RAPID TRANSIT SCHEME from Central Park to the City Hall. It is claimed that Vanderbilt's bill will encroach upon the vested rights of the Central Underground Company.

The new Registry laws for New York city, Brookiyn and the other cities and incorporated villages in the State weret read a third time in the Assembly and passed. The New York city Registry bill. before its final passage was, by unanimous congent, amended so as to include the Surrogate, Recorder and City Judge among the officers to be elected at the fall election. It was immediately sent to the Senate, which also passed it as amended.

THE HOOKLYN REGISTRY BILL.

Went through without further amendment, but Mr. Jacobs took occasion to explain his objections to it. The State Registry bill was amended so as to make it apply only to cities and villages having more than ten thousand inhabitants. In the Senate this evening the Assembly bill in relation to a double session of

THE COURT OF GEAERAL SESSIONS

2nd the salary of the Recorder and City Judge, who are its presaling Judges, was amended, so as to make the double session optional with the Judges instead of obligatory, as the original bill provided. The bill as amended fixes the annual salary of the Recorder and City Judge, who are its presaling Judges, was amended, so as to make the double session optional with the Judges instead of obligatory, as the original bill provided. The bill as amended fixes the annual salary of the Recorder and City Judge, as the original bill provided. The bill as amended fixes the annual salary of the Recorder and City Judge, so as to make the double session optional with the Judges instead of obligatory, as the original bill provided. The bill as amended fixes the annual salary of the Recorder and City Judge, so as to make the double session optional with the Judges instead of obligatory. So the provided of th

payment of the tammany prosecutors.

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The bill to provide for the payment of the legal expenses in the prosecution of the Tammany there is not the prosecution of the Tammany there is no stop provide that all expenses incurred or to be incurred by the Attorney General and Charles O'Conor, or under their direction, shall be paid by the Comptroller of the city of Newi York on the production of the accounts duly certified by the Attorney General and Charles O'Conor.

To meet these payments the Board of Supervisors are authorized to raise by tax \$50,000. The bill was then passed.

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BILLS PASSED AT THE EVENING SESSION.

In the House this afternoon the following bills were passed:—To incorporate the New York and Queens County Bridge Company for the purpose of constructing a bridge over the East River; to establish a rapid transit steam ferry between Westchester county and New York city; to amend the charter of the American Bible Society; providing for the transfer of policies of the Standard Life Insurances Company.

## THE SCHOOL TEACHERS AND THE CHARTER.

ers in New York City Wiped Out by the New Charter-Agitation Among the Section 30 article 4 of the new charter after pro-

viding for the appointment and removal of the heads of various bureaus under the city government

Considerable apprehension exists among the 2,000 public school teachers of the city, male and female, as to the effect which this section may have upon them. A variety of opinions exist. Some of them think that though the text of the clause does virtually remove them from office, the presence of such a provision in the charter was unintentional, one of those lapses of the law which all untrained law-making assemblies are liable to, and therefore not likely to be enforced. Others venture to maintain that it does not affect them at all, because of the general State law on the subject, Some of the lady teachers venture to advance the opinioncannot be ranked as public officers, the higher law opinion of the community, if not of the written statutes, being opposed to lady office-holders; but they were depressed and agitated when shown that the clause does not say public officers, but "persons employed." The opinion was general, how-

sons employed." The opinion was general, however, that if the charter does actually competthem to vacate, equity and common sense will rule to retain them.

"Besides," said one teacher, "they cannot find people capable of teaching in the New York public schools every day. I doubt if they can ever fully replace the people they propose to dismiss except by reappointing them. The children of New York are a shrewd, observant set of youngsters, and they are not to be imposed upon by ignoramuses. A man must keep well up beyond the rudiments to teach them. He's got to serve an apprenticeship from his matriculation into the infant school to his graduation at college to know the business of teaching these boys:"

A number who feel secure in their places think that it will present an excellent opportunity for getting rid of incompetent teachers; but all of them are more or less seriously agitated upon the subject. It is probable that the dry logic of a statute has never before received such close study at the hands of these teachers of the young as this section 30, article 4 of the new charter. Geography, arithmetic, astronomy, rhetoric, botany, are all as naught compared to the thrilling interest conveyed in that one section, and few of those studies have been so thoroughly scanned.

Mr. Henry Kiddle, the City Superintendent of

tic, astronomy, rhetoric, botany, are all as naught compared to the thrilling interest conveyed in that one section, and few of those studies have been so thoroughly scanned.

Mr. Henry Kiddle, the City Superintendent of Public Schools, says that he can interpret the section into no other meaning than that the school teachers' places are to be vacated. The new clause is evidently an amendment by the Senate, its text not appearing at all in the charter as originally passed by the Assembly. The term, "persons employed in the existing departments," certainly includes the school teachers as persons employed in the Department of Public Instruction, and this interpretation is clinched by the clause specially excepting "the officers and men of the Police and Fire Departments and those by this act expressly retained." There is no other section or article of the charter that can be interpreted into expressly retaining the school teachers. What the effect will be of displacing the present teachers is something that Mr. Kiddle is doubtful about. He hopes they may all be reappointed, for he does not think their places could be so well filled by any new appointees; but as there are thirty commissioners of Public Instruction to be elected, instead of twelve, as the Department is now composed, he thinks it quite likely that new appointments may be insisted upon. School Commissioners newly come into office feel the natural desire, as well as other mortals in similar fix, to give some friend a good thing, and as there are to be eighteen new Commissioners—even if the old-Board is re-elected—there is almost a certainty that changes will be made. What sort of men may be made Commissioners under the new system of cumulative voting is a matter upon which the subject of the new appointments mainly hinges Cumulative voting is so far an experiment. but the dodgers, repeaters and false counters of the old régime are doubless have succeeded in fitting these means the election falls into the hands of the groggery politicians, and crop-hai